

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI, GREENVILLE DIVISION**

CLEO ROBINSON, ET AL.

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 4:11CV103-MPM-JMV

NATIONWIDE MUTUAL FIRE INS CO.

DEFENDANT

**ORDER DENYING EMERGENCY MOTION
TO COMPEL 30(B)(6) DESIGNEE/DATES**

THIS MATTER is before the Court on what is styled an emergency motion to compel the Defendant, Nationwide, to designate certain 30(b)(6) deponents and identify their deposition dates. The Motion will be denied inasmuch as it fails to contain a Good Faith Certificate, and the court does not find that the purported “emergency” nature of the motion excuses this noncompliance. In this regard, the Court notes that while the Plaintiff asserts that the motion is an emergency because plaintiffs need to complete the defendant’s 30(b)(6) deposition before it is able to designate its experts, it is apparent from a review of the docket and correspondence submitted in connection with the motion that the Plaintiff has, for quite some time, anticipated, or should have anticipated, not completing the 30(b)(6) deposition until after the court ordered date for designation of its expert, regardless of whether that date was June 18, 2012 , or as plaintiffs assert they understood to be the case, July 9, 2012. Accordingly, the court will deny the motion as drafted but orders the parties to promptly confer in good faith regarding the following:

- (a) Confirmation that Tim Cote will testify as to Topics 3, 9, 25 and 31;
- (b) Clarify the identity of the Nationwide designee for Topic No. 1;
- (c) Identify corporate designees for Topic Nos. 33 and 34; and
- (d) Identify dates and locations for the depositions of designees for whom defendant has not already provided dates and locations.

If following the requisite good faith effort to resolve the foregoing, the matter may be re-urged before the court. The court will, absent exceptional circumstances, order costs and fees incurred to the prevailing party on such re-urged motion.

SO ORDERED this the 6th day of July, 2012.

/s/ Jane Virden
JANE VIRDEN
UNITED STATES MAGISTRATE JUDGE